

## REMARKS

Claims 1-77 are pending in the present application with no claim being allowed. Claims 1, 16, 31, 43, 58, 63, 68, and 73 are independent claims.

### The Double Patenting Rejection

Claims 1-77 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of copending Application No. 09/982,459.

Attached hereto is a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) signed by attorney of record David Ritchie (Reg. No. 31,562) disclaiming any term beyond that of Application No. 09/982,459 which is commonly owned with this application. The rejection is thereby rendered moot.

### The 35 U.S.C. § 103 Rejection

Claims 1-77 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Camporese et al.* (US 6,205,571 B1) in view of *Graef* (US 6,305,001 B1). This rejection is respectfully traversed.

Generally, the Office Action states that *Camporese* discloses or suggests most of the claim elements and limitations and that *Graef* discloses or suggests the rest. Despite knowing full well from the Amendment dated April 7, 2003 that the claims are directed to "a grid-based clock distribution", the rejection cites prior art that discloses only tree-based designs. As noted in the specification in paragraphs 0007 and 0011, the grid-based design presents unique design considerations over the tree-based design. The Office Action then attempts to ignore these considerations by making an erroneous citation to *Graef* that only discloses that his IC design methods can be run on any general purpose computer and not that they apply to any clock

distribution. To be applicable, the prior art should at least acknowledge the unique design considerations if not deal with them directly.

Specifically, the Office Action states that "It therefore would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to use the system of *Graef*, or some similar system configuration, to implement the *Camporese* method." This is tantamount to stating that clock networks are old in the art, that all clock networks are equal, and that a systematic approach to design is old, thus the combination would be obvious. Such statements suggest that the Office Action considers the presently-claimed invention to be a simple extension of the prior art. However, the comparative ease with which one can grasp the high level concept when first explained does not prove that the concept must have been obviously known. There must be a showing that the prior art had a specific understanding and motivation to make the claimed combination. The Applicant respectfully asserts that such a showing has not been made. Turning the Applicant's advantages into the prior art's motivation is hindsight reconstruction.

With respect to claims 6, 21, 36, and 48, it is noted that *Camporese* discloses that the elements are "connected to the X-Y grid" (Col. 6, line 53). Hence his method is not based on "a layout of the local clock net and the conductors routed above and through the local clock net" as claimed. Consequently, *Camporese* accounts for fewer influences on the local clock net.

With respect to claim 8, 23, 38, and 50, the rejection uses essentially the same citations for the local clock net above as the global clock net here. These are two different levels of the design. The citations would apply to one or the other and not both. The citations are in error.

In view of the above, the cited prior art can not be said to render the claimed invention obvious and it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Respectfully submitted,  
THELEN, REID, & PRIEST LLP

Dated: September 22, 2003

  
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